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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,055

10/04/2004

Scott Allan Kendall

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JOSEPH J. LAKS, VICE PRESIDENT
THOMSON LICENSING LLC
PATENT OPERATIONS
PO BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

CHOWDHURY, NIGAR

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

03/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/510,055	Applicant(s) KENDALL, SCOTT ALLAN	
	Examiner Nigar Chowdhury	Art Unit 2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-27.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attachment.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 12/6/2006 have been fully considered but they are not persuasive.

In re page 2-6, applicant argues that Vallone fails to disclose "(1) means to invoke either replay or reverse commands upon receipt of a replay-reverse multipurpose remote control signal depending on the duration of the replay-reverse multipurpose remote control signal; and (2) means to invoke either skip or forward functions upon receipt of a skip-forward multipurpose remote control signal, depending on the duration of the skip-forward multipurpose remote control signal", applicant also argues that "Thus, the "replay" function and "reverse" function are two distinct functions. The examiner's position can only be interpreted as contending that these two distinct functions are the same function. The Examiner appears to have completely disregarded the terms "replay" and "multipurpose" in claim 1", "the Examiner appears to have completely disregarded the term "skip" in claim 1" as recited in claim 1.

In response, the examiner respectfully disagrees. Claim 1 is about a remote control signal which is invoked by either replay or reverse and skip or forward function upon receipt of multipurpose remote control. Vallone discloses a multipurpose remote control (Fig. 14) to control different functions directed by a user. When user presses any control key, remote control generates a "signal". Each remote control has one emitter to generate a signal. When user presses different key, remote control generate

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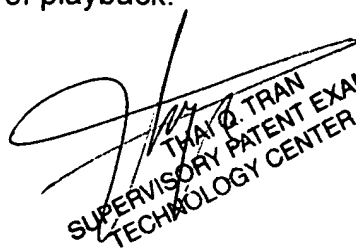
a signal depending on the control key. Different control key has different duration to recognize the specific signal of specific control key for operating properly. Applicant argues that "replay" function and "reverse" function are two distinct functions and also "skip" function and "forward" function are two distinct functions but in the claim 1 applicant didn't talk about "two distinct functions", claim is about multipurpose remote control "signal"

In re pages 6-7, applicant argues that "the adjustable time span is that of the duration of the instant replay, and has nothing whatever to do with thresholds separating skip commands from forward commands, or thresholds separating replay commands from reverse commands", as recited in claim 2.

In response, the examiner respectfully disagrees. As explained above, there is nowhere in the claim said the "replay" function and "reverse" function are two distinct functions. Therefore, Vallone teaches "first replay-reverse predetermined threshold" or a "first skip-forward predetermined threshold" (Fig. 9, col. 10 lines 4-19, Col. 18 lines 65-68, Col. 20 lines 32-47. According to the reference, duration can change by user. User will select the speed for replay or forward)

In re page 7, applicant argues that "Vallone fails to disclose "a microprocessor for varying the playback speed according to duration of the external speed control signal", as recited in claim 22.

In response, the examiner respectfully disagrees. As explained above, user can change duration of playback and can select the speed of playback.


THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600